

Council Chair asked all present to stand and recite the Pledge of Allegiance and reflect for a moment of silent meditation.

READING OF THE MINUTES

NEWMAN Having been appointed to read the minutes of the City Council proceedings of August 04, 2003, reported having done so, found same correct.

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

PUBLIC HEARING

AMENDING CHAPTER 3.20 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE STREET IMPROVEMENT VEHICLE TAX TO AMEND THE DEFINITION OF "CONSTRUCTION" TO INCLUDE STREET DESIGNING; TO ALLOW FUNDING FOR DESIGN AND RIGHT-OF-WAY ACQUISITION; AND TO INCREASE THE FEE SCHEDULE FOR THE STREET IMPROVEMENT VEHICLE TAX;

AMENDING THE LINCOLN MUNICIPAL CODE TO CREATE A NEW CHAPTER 3.26 TO
LEVY AN OCCUPATION TAX ON RETAILERS OF MOTOR VEHICLE FUEL AT A RATE OF 5
CENTS PER GALLON OF MOTOR VEHICLE FUEL;

APPROVING A RESOLUTION DIRECTING THE SUBMISSION OF A PROPOSED GENERAL OBLIGATION BOND ISSUE FOR ACQUISITION AND CONSTRUCTION OF IMPROVEMENTS TO THE CITY'S STREETS AND AVENUES, INCLUDING SIDEWALKS AND TRAILS AT A SPECIAL ELECTION;

APPROVING A NEW SCHEDULE FOR WATER USE CHARGES AND APPROVING THE
ISSUANCE OF ADDITIONAL REVENUE BONDS FOR THE CAPITAL IMPROVEMENTS
PROGRAM FY 2003-04;

APPROVING A NEW SCHEDULE FOR WASTEWATER USE CHARGES AND APPROVING THE
ISSUANCE OF ADDITIONAL REVENUE BONDS FOR THE CAPITAL IMPROVEMENTS
PROGRAM FY 2003-04 - Charlie Meyer, 1200 N Street, representing Downtown
Lincoln Association came forward in support of the finance package. He
feels that Downtown Lincoln will benefit from the sprawling growth of
the city.

Richard Schmeling, representing Pro Rail Nebraska, came forward in support of the finance package and asked the Council to consider dedicating one cent of the proposed 5 cent motor vehicle gas occupation tax to a commuter rail between Lincoln and Omaha. Discussion followed.

Jeff Altman, 5120 Pawnee, representing the Nebraska Chapter of National Federation of the Blind came forward in support of the proposed finance package & amendments. He felt that multi-modal transportation and a commuter rail would open up a connection to Omaha for the blind.

Charlie Claus, came forward representing LIBA who is in support of the infrastructure financing proposal. Discussion followed.

Jim Fram, 1135 M Street, Suite 200, representing Lincoln Partnership for Economic Development with the Chamber of Commerce came forward in support of the finance package which they feel will provide more sites for new businesses which will relieve unemployment and underemployment. Discussion followed.

Mark Hunzeker, 530 S. 13th St., Suite B, on behalf of the Home Builders Association came forward in support of the finance package. They feel it is necessary and important to have this increase and that the growth of the city will help fund it. Discussion followed.

Danny Walker, 427 E St., came forward in opposition. He presented a handout which was placed on file.

Tom Huston, 233 S 13th Street, Ste 1900, came forward representing Whitehead Oil Company, Hergert Oil Company, Salem Oil Company, and Kabredlo's who are in favor of the infrastructure needing to be improved, but was not in favor of the proposed 5 cent motor vehicle fuel occupation tax. Their concern is that customers will buy their fuel out of town. They don't feel the city can impose this tax. Discussion followed.

Mark Whitehead, no address given, came forward to answer questions from the Council.

TOOK BREAK 7:36 P.M.

RECONVENED 7:59 P.M.

Dan Marvin, 2523 Woods Blvd., came forward in support of the finance package because he is an advocate for growth which could keep many of our young people from leaving Lincoln. Discussion followed.

Susan Dunn, 4000 Garfield, Alliance for Sustainable Transportation, came forward in favor of the proposed amendments. She stated there is a need for a broad based transportation system. Discussion followed.

Robert Brommer, 6130 S 81st Street, stated there was a lack of leadership in long range planning. He requested the proposal for the motor vehicle fuel tax be delayed for two weeks and suggested the Council find out the public's feelings about it. He thinks the City should use more Municipal Bonds for transportation projects. He is in opposition to this finance package.

Ken Svoboda, Council Member, acknowledged Boy Scout Troop 5 from Trinity Lutheran.

Linda Wibbels, 2740 Royal Court, asked if the City can't maintain what we already have how can they maintain so much new infrastructure. If the outgo exceeds the income then the upkeep becomes the downfall. She feels that's what we're experiencing in Lincoln. Discussion followed.

Dick Esseks, 7911 Colby Street, Friends of Wilderness Park, is concerned with the environmental issues including parks and watershed management and if the infrastructure finance package includes this. He feels that the public should understand and monitor the relationship between finance and development.

Ken Svoboda, so that we can have it read into the record in an effort to save time I'm not going to read the entire letter, but a few excerpts from it. This is a letter that was received by this body from Senator Landis on this date of August 11th. His opening paragraph states, "I want to take this opportunity to express my support for Lincoln's proposal to adopt a local occupation tax on fuel and to explain why I take a very different view of this issue from some of my colleagues in the legislature." He goes on to say a little bit further in the letter, "I applaud the Lincoln community for taking the initiative to examine its own situation and to put together a financing package that will allow the capitol city to realize its goals for growth while maintaining its existing development." In the closing paragraph he states, "Nebraskans hold dear to the ideal of local control and the Nebraska Unicameral has a tradition of acting with that in mind. To my way of thinking a community discussion of a creative local proposal to meet its own needs is a reasonable and mature and independent response to a problem. An example of one such proposal that I have supported in the past is the unique financing method used to fund the Omaha Convention Center passed by the Legislature several years ago." In closing he says, "I believe we should do all we can to empower local governments to do what they must to provide for the health, welfare, and quality of life for their communities as they see fit." He copies this letter to Senator Tom Baker, Transportation Chair, as well as all the Lancaster County Senators, Mayor Seng, and the Governor.

Rick Krueger, 2929 Pine Lake Rd., came forward in support. Discussion followed.

Richard Esquivel, 733 W. Cuming Street, suggested that a partial wheel tax be assessed to college students and to those who live outside of Lincoln, but work in the City of Lincoln. Discussion followed.

Roger Casteel, 2602 Winthrop Road, President of North 27th Street Association, was in support of the basic concept of the infrastructure financing package. He feels the transportation system needs to be better.

Seacrest & Kalkowski, 1111 Lincoln Mall, Suite 350, stated he was a member of the Infrastructure Finance Sub-Committee and felt it was one of the fairest and the best process he has observed on one of the toughest issues the City has faced. Discussion followed.

Bob Van Valkenburg, 2921 Reno Road, came forward in opposition. He stated 35% of properties in the City are not on the tax role. He feels everyone in the City should pay taxes and stated this package would cost the citizens of Lincoln too much.

Doug Rotthaus, 8001 Lake Street, representing the Realtors Association came forward in support. He feels this will be a complete package of funding tools and will bridge the financing gap to include the impact fees. Discussion followed.

Joe Hampton, 1660 S. 70th Street, came forward in favor of. We need to expand the private sector economic job base because it's what pays the taxes. He feels the gas tax is by far the most equitable decision and the City of Lincoln has to have a transportation system.

Gates Minnick, 3901 S. 27th Street, came forward in support of the finance package. Discussion followed.

Barbara Bauer, 2321 Devonshire Dr., came forward to express three points. 1. The wheel tax is regressive. It should be based on weight of vehicle and based on the price of the car. 2. Implement a city wage tax on people who live out of town, but work in Lincoln. 3. Need to look at the demographics of the future.

Craig Groat, 4935 Huntington Avenue, came forward in opposition.

Pat Fuenning, 1231 N. 38th Street, came forward to show pictures of the transportation system in Argentina. She feels we are behind in our transportation system and supports a light rail system between Lincoln and Omaha.

Curtis Beck, 524 Sailside Drive, came forward in support of the bonding portion of the package being put on the ballot, but feels the total package is too much too quickly. He specifically asked that the gas tax not be increased. Discussion followed.

Glen Cekal, 1420 C St., came forward in opposition to the finance package as presented.

Jan Gauger, Tri-Chair of the Infrastructure Committee, stated she feels that there has not been a City Council better educated on the matter of infrastructure financing and asked that there not be a delay in any part of the plan. Discussion followed.

Russ Bayer, Tri-Chair of the Infrastructure Committee stated they had four charges when starting this process: 1. Remembering that the City-County Comprehensive Plan was going to be the foundation from a growth point of view. 2. Prepare a balanced funding approach. Everyone in the community should contribute. 3. The priorities were first to maintaining the existing facilities, build the projects of broad community benefits like the Beltway and Antelope Valley. 4. Construct projects planned for further growth. Recognize and accept impact fees. He asked that the money be spent on what it was planned for. Discussion followed.

Brad Korell, Tri-Chair of the Infrastructure Committee, stated that the impact of water and wastewater increases were modeled on the City's large employers. Large users did not get a lower rate of increase than did homeowners and residents. In comparing utilities in Lincoln to other communities of similar size Lincoln ranked the 2nd lowest out of 8 communities looked at. He also feels that the City needs a system of tracking the condition of streets on a systematic basis. The decision made today will do more to define Lincoln in 15, 20 & 25 years than any other decision that will come before the City Council.

TOOK BREAK 10:32 P.M.

RECONVENED 10:45 P.M.

Terry Werner, Council Member, just for the record next week I will be introducing an amendment to Item #3 on the bond issue which will simply clarify where the dollars will be spent in the bond issue. That will be on the website this week.

This matter was taken under advisement.

APPROVING AN INCREASE IN THE MONTHLY RATE FOR THE 911 SURCHARGE FROM 50 CENTS TO \$1.00 PER LINE - Mike Morosin, 2055 S St., came forward in favor of, but suggested that volunteer 911 operators be used during the peak times as a money saving process.

Steve Meradith, Staff Manager of State Government Affairs for the Alltel Corporation, came forward in opposition to the 911 surcharge increase. He feels their customers already have a high percentage of taxes and surcharges on there telephone bills.

Ken Svoboda, Council Member, asked if the City worked with a lobbyist to go to the Legislature would Alltel be willing to help with figures to lobby for better distribution of portion of wireless 911 fees to the City?

Mr. Meradith answered they would probably be able to provide most of that information. On the wireline side it is public information and the Nebraska Public Service Commission would have a record of that information which they publish in their annual report to the Legislature. Discussion followed.

Richard Halvorsen, 6311 Inverness Road, came forward in opposition. He felt that the increase should be capped at 25 cents per line. He stated that the County has no intention of raising their surcharge.

Bob Valentine, 2660 Park Avenue, wondered how many customers will disconnect from land lines if this surcharge increase is adopted. He suggested that the 9% increase in the Firemen's overtime be used instead to fund the 911 and maybe just raise the surcharge by 25 cents.

This matter was taken under advisement.

APPROVING A TRANSFER OF UNSPENT AND UNENCUMBERED APPROPRIATIONS BETWEEN CAPITAL IMPROVEMENT PROJECTS WITHIN THE SANITARY SEWER CONSTRUCTION FUND, WATER CONSTRUCTION FUND, LANDFILL REVENUE FUND, STREET CONSTRUCTION FUND, VEHICLE TAX FUND, STORM SEWER BOND ISSUE FUND, PARKING REVENUE FUND, AND PARKING LOT REVOLVING FUND WITH THE PUBLIC WORKS & UTILITIES DEPARTMENT, AND THE GOLF FUND, GENERAL FUND, AND DONATIONS FUND WITHIN THE PARKS DEPARTMENT - Margaret Remmenga, Business Manager of Public Works & Utilities Dept., stated that this is an end of year process done each year. The transfers will allow close to 100 projects to be closed.

Annette McRoy, Council Member, said that basically these were appropriations and the projects are done, but it's left over capital that was already appropriated for that project.

Ms. Remmenga answered yes, appropriated for a project that has been completed and just to get it off the books we have to clear out the appropriation so we're transferring the appropriations to projects that are yet to be completed.

Ms. McRoy asked how it was decided which projects get which appropriations?

Ms. Remmenga stated it was left up to the managers of each of the funds & if they needed additional funds to complete a project then they requested that transfer be made to that project.

Mr. Svoboda asked why we would have for example on Vine Street a 48 inch main project with over 2.25 million dollars that was unspent & redistributed?

Steve Masters, Public Works & Utilities Dept., stated that for this particular example the estimate came in considerably more than the bid. Due to a growing economy it was anticipated a need for more dollars than what was actually needed in other projects.

Mr. Camp asked if the funds allocated for one street construction project go to another street construction project?

Ms. Remmenga answered yes. We didn't transfer across funds.

Mr. Werner asked about the \$140,000 transfer from tree inventory to hard surface repairs.

Ms. Remmenga said it was within Parks Department.

Danny Walker, 427 E St., stated he didn't understand why this overage isn't transferred to sidewalk repair. He asked what portion, if any, of this overage is being transferred over into the Antelope Valley project?

Ms. Remmenga answered that none of the overage was being transferred into the Antelope Valley project.

Craig Groat, 4935 Huntington Avenue, read from the City Charter that the City will be responsible for maintaining, repairing, & replacing sidewalks on public streets & the cost of all such maintenance repair & replacement shall be paid by the City from the City's General Fund. He said the City was obligated to do this.

This matter was taken under advisement.

CHANGE OF ZONE 3415 - APP. OF THE PLANNING DIRECTOR TO AMEND TITLE 27 OF THE LINCOLN MUNICIPAL CODE TO ELIMINATE A COMBINED USE PERMIT AND SPECIAL PERMIT IN THE O-3, R-T, B-2, AND B-5 ZONING DISTRICTS; TO ELIMINATE A PRE-APPLICATION FEE FOR PERSONAL WIRELESS FACILITY APPLICATIONS; AND TO INCREASE APPLICATION FEES - Craig Groat, 4935 Huntington Avenue, stated that in 1992 Article II of the City Charter was changed from the grant of specific powers to grant of general power. It took the power of the

vote away from the people and gave it to the City Council. He related this to the Planning Department.

This matter was taken under advisement.

APP. OF THE PLANNING DIRECTOR TO AMEND TITLE 26 OF THE LINCOLN MUNICIPAL CODE TO AMEND SUBDIVISION PROCESS PROCEDURES INCLUDING REPEAL OF ADMINISTRATIVE FINAL PLATS; GRANTING THE PLANNING DIRECTOR AUTHORITY TO APPROVE FINAL PLATS; CLARIFYING WHO MAY APPEAL PLANNING COMMISSION ACTION ON A PRELIMINARY PLAT; ELIMINATING CITY COUNCIL REVIEW OF PRELIMINARY PLATS; ALLOWING THE PLANNING DIRECTOR TO APPROVE FINAL PLATS WITHOUT A PRELIMINARY PLAT UNDER CERTAIN CONDITIONS; MODIFYING THE PROVISIONS REGARDING ACTION ON A FINAL PLAT; MODIFYING THE PROVISIONS REGARDING FILING THE FINAL PLAT WITH THE REGISTER OF DEEDS; MODIFYING THE PROVISIONS REGARDING SURVEY ERRORS AND CORRECTED PLATS; MODIFYING THE PROVISIONS REGARDING DATA REQUIRED ON PRELIMINARY PLATS AND FINAL PLATS; AND TO ADD FEES AND INCREASE FEES FOR FILING APPLICATIONS UNDER THE LAND SUBDIVISION ORDINANCE - Mike Morosin, 2055 S St., asked why we would want to eliminate the City Council's review of preliminary plats?

Marvin Krout, Planning Director, stated that plats are different from other aspects of regulations of the Planning Department. They are considered as administrative responsibilities. The rules are basically established in the standards and there is very little discretion as opposed to re-zoning of property to deny a plat if it meets all of the standards that are in the subdivision regulation and the design standards. Many communities in many states around the country allow preliminary plats to be approved by the Planning Commission without going forward to the City Council and there is still an appeal process. This will take out unnecessary steps and simplify the process and reduce time frames to encourage economic development in the community. More time can be spent on more meaningful public involvement on other projects by getting rid of some of the paperwork involved now.

This matter was taken under advisement.

APPROVING A MULTI-YEAR CONTRACT WITH FUNDING FROM MORE THAN ONE FISCAL CIP BUDGET YEAR FOR THE 14TH ST. WIDENING FROM OLD CHENEY TO 1/4 MILE NORTH OF PINE LAKE RD., CITY PROJECT NO. 701306 - Danny Walker, 427 E St., asked if this is due to the mess created at the new high school and does this hold priority over West A Street conditions?

Carl Fredricksen, Public Works & Utilities Department, answered that this project was funded by the wheel tax for new construction back in 1996 or 1997 when that was passed. This resolution is to span the contract over three budget years through the C.I.P. process. Discussion followed.

Lin Quenzer, Ombudsman for the City of Lincoln, read into the record a letter from Lori Seibel, 5845 Woodstock Avenue, President of Rolling Hills Park & Homeowners Association, asking for the closure of Brome Lane. Discussion followed.

Craig Groat, 4935 Huntington Avenue, stated this was a lack of proper planning.

Roger Yant, no address given, was in favor of improving 14th Street and old Cheney Road. Discussion followed.

Mr. Fredricksen explained the construction plans of 14th Street and Old Cheney and stated that 14th Street/Warlick Road/Old Cheney is under design works and will be coordinated with the State and County and with what they're doing on the Homestead Expressway and Old Cheney. Hopefully, this will be done in 2005.

This matter was taken under advisement.

SPECIAL PERMIT 2028 - APP. OF METTLER, INC. DBA JAX FOR AUTHORITY TO SELL ALCOHOLIC BEVERAGE FOR CONSUMPTION ON THE PREMISES ON PROPERTY GENERALLY LOCATED AT 2711 S. 48TH ST. - Gene Podolak, 5201 Topaz Court, owner of Jax, came forward to explain that they want to convert their liquor store into a bar because of the competition of packaged liquor in the area. Discussion followed.

Glen Cekal, 1420 C St., came forward in support.

Adam Branting, 1035 S. 17th Street, came forward in support.

Shawn Traudt, 2510 S. 36th Street, came forward in support.

Linda Wysong, 6141 S. 93rd Street, is an employee of Union College and came forward in opposition. Discussion followed.

Craig Groat, 4935 Huntington Avenue, came forward in opposition.

Ramona Mask, 4630 Van Dorn, came forward in opposition. Discussion followed.

Topher Hansen, 2601 S. 46th Street, came forward in opposition.

Discussion followed.

Wally Martin, 4633 Eden Circle, came forward in opposition.

Lin Quenzer, City of Lincoln Ombudsman, read a letter from Lois Hansen who is in opposition.

Gene Podolak came forward for rebuttal.

Mary Jane Dunn, 5201 Topaz Court, co-owner of Jax stated they would be good operators. She stated it was against the law to allow customers to get drunk.

This matter was taken under advisement.

MISCELLANEOUS BUSINESS - NONE

**** END OF PUBLIC HEARING ****

COUNCIL ACTION

LIQUOR RESOLUTIONS - NONE

ORDINANCES - 3RD READING & FINANCE PACKAGE RESOLUTIONS

AMENDING CHAPTER 3.20 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE STREET IMPROVEMENT VEHICLE TAX TO AMEND THE DEFINITION OF "CONSTRUCTION" TO INCLUDE STREET DESIGNING; TO ALLOW FUNDING FOR DESIGN AND RIGHT-OF-WAY ACQUISITION; AND TO INCREASE THE FEE SCHEDULE FOR THE STREET IMPROVEMENT VEHICLE TAX - PRIOR to reading:

COOK Moved to delay action on Bill No. 03-119 for one week to 8/18/03.
Seconded by Friendt & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Werner; NAYS: Svoboda.

AMENDING THE LINCOLN MUNICIPAL CODE TO CREATE A NEW CHAPTER 3.26 TO LEVY AN OCCUPATION TAX ON RETAILERS OF MOTOR VEHICLE FUEL AT A RATE OF 5 CENTS PER GALLON OF MOTOR VEHICLE FUEL - PRIOR to reading:

COOK Moved to delay action on Bill No. 03-120 for one week to 8/18/03.
Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Werner; NAYS: Svoboda.

APPROVING A RESOLUTION DIRECTING THE SUBMISSION OF A PROPOSED GENERAL OBLIGATION BOND ISSUE FOR ACQUISITION AND CONSTRUCTION OF IMPROVEMENTS TO THE CITY'S STREETS AND AVENUES, INCLUDING SIDEWALKS AND TRAILS AT A SPECIAL ELECTION - PRIOR to reading:

COOK Moved to delay action on Bill No. 03R-208 for one week to 8/18/03.
Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Werner; NAYS: Svoboda.

APPROVING A NEW SCHEDULE FOR WATER USE CHARGES AND APPROVING THE ISSUANCE OF ADDITIONAL REVENUE BONDS FOR THE CAPITAL IMPROVEMENTS PROGRAM FY 2003-04 - PRIOR to reading:

COOK Moved to delay action on Bill No. 03R-209 for one week to 8/18/03.
Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Werner; NAYS: Svoboda.

APPROVING A NEW SCHEDULE FOR WASTEWATER USE CHARGES AND APPROVING THE ISSUANCE OF ADDITIONAL REVENUE BONDS FOR THE CAPITAL IMPROVEMENTS PROGRAM FY 2003-04 - PRIOR to reading:

COOK Moved to delay action on Bill No. 03R-210 for one week to 8/18/03.
Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Werner; NAYS: Svoboda.

APPROVING AN INCREASE IN THE MONTHLY RATE FOR THE 911 SURCHARGE FROM 50 CENTS TO \$1.00 PER LINE(8/11/03) - PRIOR to reading:

COOK Moved to delay action on Bill No. 03R-211 for one week to 8/18/03.
Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Werner; NAYS: Svoboda.

ORDINANCES - 2ND READING

APPROVING A TRANSFER OF UNSPENT AND UNENCUMBERED APPROPRIATIONS BETWEEN CAPITAL IMPROVEMENT PROJECTS WITHIN THE SANITARY SEWER CONSTRUCTION

FUND, WATER CONSTRUCTION FUND, LANDFILL REVENUE FUND, STREET CONSTRUCTION FUND, VEHICLE TAX FUND, STORM SEWER BOND ISSUE FUND, PARKING REVENUE FUND, AND PARKING LOT REVOLVING FUND WITH THE PUBLIC WORKS & UTILITIES DEPARTMENT, AND THE GOLF FUND, GENERAL FUND, AND DONATIONS FUND WITHIN THE PARKS DEPARTMENT - DEPUTY CLERK read the following ordinance, introduced by Glenn Friendt, approving a transfer of unspent and unencumbered appropriations between Capital Improvement Projects within the sanitary sewer construction fund, water construction fund, landfill revenue fund, street construction fund, vehicle tax fund, storm sewer bond issue fund, parking revenue fund, and parking lot revolving fund with the Public Works and Utilities Department, and the golf fund, general fund, and donations fund within the Parks Department, the second time.

CHANGE OF ZONE 3415 - APP. OF THE PLANNING DIRECTOR TO AMEND TITLE 27 OF THE LINCOLN MUNICIPAL CODE TO ELIMINATE A COMBINED USE PERMIT AND SPECIAL PERMIT IN THE O-3, R-T, B-2, AND B-5 ZONING DISTRICTS; TO ELIMINATE A PRE-APPLICATION FEE FOR PERSONAL WIRELESS FACILITY APPLICATIONS; AND TO INCREASE APPLICATION FEES - DEPUTY CLERK read the following ordinance, introduced by Glenn Friendt, for Change of Zone 3415 - app. of the Planning Director to amend Title 27 of the Lincoln Municipal Code to eliminate a combined use permit and special permit in the O-3, R-T, B-2, and B-5 zoning districts; to eliminate a pre-application fee for personal wireless facility applications; and to increase application fees, the second time.

APP. OF THE PLANNING DIRECTOR TO AMEND TITLE 26 OF THE LINCOLN MUNICIPAL CODE TO AMEND SUBDIVISION PROCESS PROCEDURES INCLUDING REPEAL OF ADMINISTRATIVE FINAL PLATS; GRANTING THE PLANNING DIRECTOR AUTHORITY TO APPROVE FINAL PLATS; CLARIFYING WHO MAY APPEAL PLANNING COMMISSION ACTION ON A PRELIMINARY PLAT; ELIMINATING CITY COUNCIL REVIEW OF PRELIMINARY PLATS; ALLOWING THE PLANNING DIRECTOR TO APPROVE FINAL PLATS WITHOUT A PRELIMINARY PLAT UNDER CERTAIN CONDITIONS; MODIFYING THE PROVISIONS REGARDING ACTION ON A FINAL PLAT; MODIFYING THE PROVISIONS REGARDING FILING THE FINAL PLAT WITH THE REGISTER OF DEEDS; MODIFYING THE PROVISIONS REGARDING SURVEY ERRORS AND CORRECTED PLATS; MODIFYING THE PROVISIONS REGARDING DATA REQUIRED ON PRELIMINARY PLATS AND FINAL PLATS; AND TO ADD FEES AND INCREASE FEES FOR FILING APPLICATIONS UNDER THE LAND SUBDIVISION ORDINANCE - DEPUTY CLERK read the following ordinance, introduced by Glenn Friendt, app. of the Planning Director to amend Title 26 of the Lincoln Municipal Code to amend subdivision process procedures including repeal of administrative final plats; granting the Planning Director authority to approve final plats; clarifying who may appeal planning commission action on a preliminary plat; eliminating city council review of preliminary plats; allowing the Planning Director to approve final plats without a preliminary plat under certain conditions; modifying the provisions regarding action on a final plat; modifying the provisions regarding filing the final plat with the Register of Deeds; modifying the provisions regarding survey errors and corrected plats; modifying the provisions regarding data required on preliminary plats and final plats; and to add fees and increase fees for filing applications under the land subdivision ordinance, the second time.

APP. OF THE PLANNING DIRECTOR TO AMEND TITLE 14 OF THE LINCOLN MUNICIPAL CODE TO AMEND THE PROCEDURE FOR VACATION OF PUBLIC WAYS AND ESTABLISH A FILING FEE - DEPUTY CLERK read the following ordinance, introduced by Glenn Friendt, app. of the Planning Director to amend Title 14 of the Lincoln Municipal Code to amend the procedure for vacation of public ways and establish a filing fee, the second time.

RESOLUTIONS

APPROVING A MULTI-YEAR CONTRACT WITH FUNDING FROM MORE THAN ONE FISCAL CIP BUDGET YEAR FOR THE 14TH ST. WIDENING FROM OLD CHENEY TO 1/4 MILE NORTH OF PINE LAKE RD., CITY PROJECT NO. 701306 - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-82261 WHEREAS, City Project No. 701306 for the widening of 14th Street from Old Cheney to 1/4 mile north of Pine Lake Road has been approved by the City; and

WHEREAS, it is in the public's interest to begin construction on 14th Street immediately; and

WHEREAS, the current fiscal year 2003 has identified \$655,484 of

C.I.P. funds for the project, fiscal year 2004 has identified \$2,972,400 and the remaining funding will be available in the fiscal 2005 C.I.P. budget; and

WHEREAS, Pavers, Inc. is the successful low bidder for the 14th Street Widening Project No. 701306 in the amount of \$3,987,600 to be paid for from appropriations from fiscal years 2003, 2004, and 2005; and

WHEREAS, Article VII, Section 3 of the Charter of the City of Lincoln provides that no contract involving the expenditure of money from appropriations of more than one year, other than appropriations of borrowed money, shall be valid unless approved by ordinance or resolution of the City Council.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the Mayor is authorized to execute a contract or contracts in the amount of \$3,987,600 between the City of Lincoln, Nebraska and Pavers, Inc. for the 14th Street Widening Project No. 701306 to be paid from fiscal years 2003, 2004, and 2005.

Introduced by Annette McRoy

Seconded by Friendt & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

SPECIAL PERMIT 2028 - APP. OF METTLEN, INC. DBA JAX FOR AUTHORITY TO SELL ALCOHOLIC BEVERAGE FOR CONSUMPTION ON THE PREMISES ON PROPERTY GENERALLY LOCATED AT 2711 S. 48TH ST. - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-82262 WHEREAS, Mettlen, Inc. dba Jax has submitted an application designated as Special Permit No. 2028 for authority to sell alcoholic beverages for consumption on the premises generally located at 2711 South 48th Street, legally described as:

Lot 2, Christensen Addition, Lincoln, Lancaster County, Nebraska; and

WHEREAS, the real property adjacent to the area included within the site plan for this permit to sell alcoholic beverages on the premises will not be adversely affected; and

WHEREAS, said site plan together with the terms and conditions hereinafter set forth are consistent with the intent and purpose of Title 27 of the Lincoln Municipal Code to promote the public health, safety, and general welfare.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the application of Mettlen, Inc. dba Jax, hereinafter referred to as "Permittee", to sell alcoholic beverages for consumption on the premises on property legally described above be and the same is hereby granted under the provisions of Section 27.63.680 of the Lincoln Municipal Code upon condition that operation of said licensed premises be in strict compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves the sale of alcoholic beverages for consumption on the premises only.
2. Before receiving building permits:
 - a. The permittee must submit a revised and reproducible final plan with five copies to the Planning Director.
 - b. Lighting on the property must be designed and erected in accordance with all applicable lighting regulations and requirements.
 - c. The construction plans must conform to the approved plans.

3. The site plan approved by this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.

4. The terms, conditions, and requirements of this resolution shall be binding and obligatory upon the Permittee, its successors, and assigns. The building official shall report violations to the City Council which may revoke the special permit or take such other action as may be necessary to gain compliance.

5. The Permittee shall sign and return the City's letter of acceptance to the City Clerk within 30 days following approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid

in advance by the Permittee.

Introduced by Annette McRoy

Seconded by Svoboda & carried by the following vote: AYES:
Friendt, McRoy, Newman, Svoboda; NAYS: Camp, Cook, Werner.

AUTHORIZING THE PLANNING DEPARTMENT TO COLLECT A FEE FOR AMENDMENT REQUESTS TO
THE CITY/COUNTY COMPREHENSIVE PLAN - PRIOR to reading:

COOK Moved to delay action on Bill No. 03R-215 for one week to 8/18/03.
Seconded by McRoy & carried by the following vote: AYES: Camp,
Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

SPECIAL PERMIT 2017 - APP. OF MIKE MOSER TO DEVELOP MAPLE VILLAGE COMMUNITY
UNIT PLAN FOR 36 ATTACHED SINGLE-FAMILY DWELLING UNITS AND ONE SINGLE-
FAMILY UNIT, WITH WAIVERS TO ELIMINATE THE PRELIMINARY PLAT PROCESS; TO
ALLOW THE DIRECTOR OF PLANNING TO APPROVE ADMINISTRATIVE FINAL PLATS IN
ACCORDANCE WITH THE APPROVED COMMUNITY UNIT PLAN; TO ALLOW THE DIRECTOR
OF PLANNING TO APPROVE ADMINISTRATIVE FINAL PLATS THAT INCLUDE PUBLIC
STREETS AND PRIVATE ROADWAYS; TO WAIVE THE REQUIRED REAR YARD SETBACKS,
FRONT YARD SETBACKS, AVERAGE LOT WIDTH, LOT AREA, CENTERLINE CURVE
RADIUS, AND PRIVATE ROADWAY WIDTH, ON PROPERTY GENERALLY LOCATED
SOUTHWEST OF THE INTERSECTION OF CHERRYWOOD DR. AND SYCAMORE DR. (IN
CONNECTION W/03-109) (8/4/03 - ACTION DELAYED 1 WEEK TO 8/11/03) - PRIOR
to reading:

SVOBODA Moved to amend bill No. 03R-197 on page 1, line 3, by deleting the
number "36" and inserting in lieu thereof the number 32 and delete the
number "one" and insert in lieu thereof the number three. And, on page
2, line 21, delete the number "36" and insert in lieu thereof the number
32 and delete the number "one" and insert in lieu thereof the number
three.

Seconded by Friendt & carried by the following vote: AYES: Camp,
Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

CLERK read the following resolution, introduced by Glenn Friendt, who moved
its adoption:

A-82265 WHEREAS, Mike Moser with the permission of the owner, Aquila, has
submitted an application designated as Special Permit No. 2017 for
authority to develop Maple Village Community Unit Plan for ~~36~~ 32
attached single-family units and ~~one~~ three single-family unit, with
waivers of the requirement to submit a preliminary plat, to grant the
Planning Director authority to approve an administrative final plat
based upon the approved community unit plan and an administrative final
plat that includes public streets and private roadways, to waive the
required rear yard setbacks, front yard setbacks, average lot width, lot
area, centerline curve radius, and private roadway width on property
generally located southwest of the intersection of Cherrywood Drive and
Sycamore Drive, and legally described to wit:

Outlot A, Maple Village, and Lot 63 Irregular Tract,
located in the Northeast Quarter of Section 27,
Township 10 North, Range 7 East of the Sixth Principal
Meridian, Lancaster County, Nebraska, more
particularly described by metes and bounds as follows:

Commencing at the North Quarter corner of Section 27,
Township 10 North, Range 7 East of the Sixth Principal
Meridian; thence south 00 degrees 01 minutes 36
seconds east (an assumed bearing) on the west line of
the Northeast Quarter, a distance of 269.69 feet to
the point of beginning; thence continuing on the
previous bearing of south 00 degrees 01 minutes 16
seconds east, on said west line, a distance of 604.57
feet to a point of intersection of said west line, and
the north line of the vacated Missouri Pacific
Railroad; thence on a curve to the left on the north
right-of-way line of said vacated Railroad right-of-
way, having a radius of 1822.58 feet, a central angle
of 06 degrees 41 minutes 41 seconds, a chord bearing
of south 78 degrees 31 minutes 14 seconds east, and a
chord distance of 212.84 feet; thence south 08 degrees
07 minutes 56 seconds west, on said right-of-way, a
distance of 37.50 feet; thence on a curve to the left
on said north right-of-way having a radius of 1860.08
feet, a central angle of 07 degrees 23 minutes 22
seconds, a chord bearing of south 85 degrees 33
minutes 45 seconds east, a chord distance of 239.72

feet to the point of tangency; thence south 89 degrees 08 minutes 38 seconds east, on said north right-of-way, a distance of 2.75 feet to the southwest corner of Lot 18, Block 6, Maple Village; thence north 00 degrees 02 minutes 28 seconds west, on the west line of Block 6, Maple Village, a distance of 586.46 feet to the southeast corner of Lot 7, Block 6, Maple Village; thence south 89 degrees 04 minutes 32 seconds west, on the south line of Lots 1 through 7, Block 6, Maple Village, a distance of 420.25 feet, to the southwest corner of Lot 1, Block 6, said Maple Village; thence north 00 degrees 04 minutes 24 seconds east, on the west line of said Lot 1, a distance of 123.04 feet to a point on the southerly right-of-way of Cherrywood Drive; thence south 89 degrees 49 minutes 12 seconds west, on said southerly right-of-way, a distance of 24.96 feet to the point of beginning, and containing a calculated area of 245,494.01 square feet or 5.635 acres, more or less;

WHEREAS, the real property adjacent to the area included within the site plan for this community unit plan will not be adversely affected; and

WHEREAS, said site plan together with the terms and conditions hereinafter set forth are consistent with the intent and purpose of Title 27 of the Lincoln Municipal Code to promote the public health, safety, and general welfare.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the application of Mike Moser, hereinafter referred to as "Permittee", to develop Maple Village Community Unit Plan for ~~36~~ 32 attached single-family units and ~~one~~ three single-family unit, with waivers of the requirement to submit a preliminary plat, to grant the Planning Director authority to approve an administrative final plat based upon the approved community unit plan and an administrative final plat that includes public streets and private roadways, to waive the required rear yard setbacks, front yard setbacks, average lot width, lot area, centerline curve radius, and private roadway width, on the property legally described above, be and the same is hereby granted under the provisions of Section 27.63.320 and Chapter 27.65 of the Lincoln Municipal Code upon condition that construction and operation of said community unit plan be in strict compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves a community unit plan for up to 35 dwelling units rather than the requested 37 dwelling units.
2. The requirement that the Permittee submit a preliminary plat is waived.
3. The Planning Director is hereby authorized to approve an Administrative Final Plat based upon the approved Community Unit Plan.
4. The Planning Director is hereby authorized to approve an Administrative Final Plat that includes public streets and private roadways within this Community Unit Plan.
5. A waiver to the required rear yard setback is approved for all lots excepts Lots 23, 24, and 25 as shown on the site plan.
6. A waiver to the required front yard setback is approved for Lots 5, 20, 31, and 32 as shown on the site plan.
7. A waiver to the minimum lot area is approved.
8. A waiver to the average lot width is approved.
9. A modification of the centerline curve radius and private roadway width from 27 feet to 24 feet is approved.
10. Before receiving building permits:
 - a. The Permittee must submit an acceptable, revised and reproducible final plan including five copies.
 - b. The construction plans must conform to the approved plans.
 - c. Final plats within this community unit plan must be approved by the Planning Director.
11. Before occupying the dwelling units all development and construction must be completed in conformance with the approved plans.
12. All privately-owned improvements must be permanently maintained by the Permittee or an appropriately established homeowners association approved by the City Attorney.

13. The site plan approved by this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.

14. The terms, conditions, and requirements of this resolution shall be binding and obligatory upon the Permittee, its successors, and assigns. The building official shall report violations to the City Council which may revoke the special permit or take such other action as may be necessary to gain compliance.

15. The Permittee shall sign and return the City's letter of acceptance to the City Clerk within 30 days following approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the Permittee.

Introduced by Glenn Friendt

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

PETITIONS & COMMUNICATIONS

THE FOLLOWING WERE REFERRED TO PLANNING DEPT:

Change of Zone 3416 - App. of Witherbee Neighborhood Association for a change from R-4 to R-2 to include properties on the south side of J Street to the north side of Randolph Street and the west side of 37th Street to and including the east side of 42nd Street.

Change of Zone 3417 - App. of Brian Carstens for Carlos Lake, LLC to change from R-2 to RT to develop two 5,000 Sq. Ft. office/medical building & associated parking at South 55th Street and South Street.

Use Permit 153 - App. of Brian Carstens for Carlos Lake, LLC to develop two 5,000 sq. ft. office/medical building & associated parking at South 55th Street and South Street.

Special Permit 638A - App. of Brian Carstens for Carlos Lake LLC & Alan & Nancy Lee to add additional parking for existing building at South 55th Street and South Street.

Special Permit 1022D - App. of TSP Seven Inc. for the addition of 12 apartment units to the 180 units approved at 27th Street and Old Cheney.

Special Permit 2019 - App. of Steve TeSelle dba Foresights, LLC to construct an Early Childhood Care Facility to care for 100 children or less with 13 employees at Randolph Street, east of 40th Street.

Special Permit 2020 - App. of Steve TeSelle dba Foresights LLC to construct a 36 unit multi-family community unit plan at the northeast corner of 40th Street and Randolph Street.

Special Permit 2030 - App. of ESP for a C.U.P. at North 84th Street and Bluff Road.

Formal Petition for Alley Paving District 362-A in the east/west alley, 48th Street to 49th Street, Lowell to Meredith submitted by Michael Jeffrey Vice President of Jeffrey Company - CLERK presented said petition which was referred to the Law Dept.

Formal Petition for Paving District 2626 in the West South Street, Southwest 23rd Street to Southwest 27th Street and Southwest 27th Street, West South to West A Street submitted by Robert L. Benes of Aspen Builders Inc. - CLERK presented said petition which was referred to the Law Dept.

REPORTS OF CITY OFFICERS

INVESTMENT OF FUNDS FOR THE WEEK OF JULY 28 THROUGH AUGUST 1, 2003 - CITY CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-82263 BE IT HEREBY RESOLVED BY THE CITY COUNCIL of the City of Lincoln, Nebraska:

That the attached list of investments be confirmed and approved, and the City Treasurer is hereby directed to hold said investments until maturity unless otherwise directed by the City Council.

Introduced by Annette McRoy

Seconded by Friendt & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

CLERK'S LETTER AND MAYOR'S APPROVAL OF ORDINANCES & RESOLUTIONS PASSED BY COUNCIL ON JULY 28, 2003 - CLERK presented said report which was placed on file in the Office of the City Clerk.

CLERK'S LETTER AND MAYOR'S APPROVAL OF ORDINANCES & RESOLUTIONS PASSED BY COUNCIL ON AUGUST 4, 2003 - CLERK presented said report which was placed on file in the Office of the City Clerk.

LINCOLN WATER & WASTEWATER RECAPITULATION OF DAILY CASH RECEIPTS FOR JULY 2003 - CLERK presented said report which was placed on file in the Office of the City Clerk. (8-71)

REPORT OF CITY TREASURER OF TELECOMMUNICATION OCCUPATION TAX FOR THE MONTH OF APRIL - JUNE, 2003: ACCESSLINE, ENHANCED COMM., IDT CORP., WINSTAR; JUNE, 2003 - QWEST, TOUCH AMERICA, NEBRASKA TECHNOLOGY & TELECOMM., CRICKET, AT&T COMM. OF MIDWEST, BROADWING, C III COMM. WORKING ASSETS, ACN COMM., SHAFFER, PRIMUS, BELL ATLANTIC, NETIFICE, VIRGIN MOBILE USA, VOICECOM, VERIZON SELECT, GLOBAL CROSSING, TRACFONE WIRELESS, OPEX, ONSTAR, TRANS NAT'L., AMERICAN FARM BUREAU, IBM GLOBAL, COMTECH 21, GE BUSINESS PROD. SOLUTIONS, UNITED SYSTEMS ACCESS, STAR NUMBER, TELIGENT SERVICES, INTELICALL OPERATOR SERVICES, XO LONG DISTANCE, T-NETIX, QUANTUM SHIFT, ALYON TECH. - CLERK presented said report which was placed on file in the Office of the City Clerk. (20)

APPROVING THE DISTRIBUTION OF FUNDS REPRESENTING INTEREST EARNINGS ON SHORT-TERM INVESTMENTS OF IDLE FUNDS DURING THE MONTH ENDED JUNE 30, 2003 - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-82264 BE IT RESOLVED by the City Council of the City of Lincoln Nebraska:

That during the month ended June 30, 2003, \$264,286.48 was earned from the investments of "IDLE FUNDS". The same is hereby distributed to the various funds on a pro-rata basis using the balance of each fund and allocating a portion of the interest on the ratio that such balance bears to the total of all fund balances.

Introduced by Annette McRoy

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

ORDINANCES - 1ST READING

REPEALING ORDINANCE 18016 WHICH CREATED ALLEY PAVING DISTRICT 362, BEING THE NORTH/SOUTH ALLEY, BETWEEN 54TH ST. TO 56TH STS., FROM CLEVELAND TO ADAMS STS. - CLERK read an ordinance, introduced by Annette McRoy, repealing Ordinance No. 18016 which created Alley District No. 362, which Alley Paving District included all that portion of a North/South Alley, 54th Street to 56th Street, Cleveland to Adams Street describing the benefitted property and providing for the payment of the cost thereof. the first time.

APPROVING A § 457 DEFERRED COMPENSATION PLAN TO BE ADMINISTERED BY NATIONWIDE RETIREMENT SOLUTIONS - CLERK read an ordinance, introduced by Annette McRoy, approving a 457 Deferred Compensation Plan to be administered by Nationwide Retirement Solutions Inc. ("Nationwide") which complies with the provisions of § 457 of the Internal Revenue Code of 1986, as amended, and to provide that as a governmental plan, all assets of the plan will be held for the exclusive benefit of the participants and their beneficiaries, the first time.

ORDINANCES - 3RD READING

CHANGE OF ZONE 3407 - APPLICATION OF MIKE MOSER FOR A CHANGE OF ZONE FROM R-2 RESIDENTIAL DISTRICT TO R-3 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF CHERRYWOOD DRIVE AND SYCAMORE DRIVE. (IN CONNECTION W/03R-197) - CLERK read an ordinance, introduced by Jonathan Cook, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon,

the third time.

COOK Moved to pass the ordinance as read.

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

The ordinance, being numbered **#18216**, is recorded in Ordinance Book 25, Page

ADOPTING PAY SCHEDULES AND SCHEDULES OF PAY RANGES FOR EMPLOYEES WHOSE CLASSIFICATIONS ARE ASSIGNED TO PAY RANGES PREFIXED BY THE LETTER N - CLERK read an ordinance, introduced by Jonathan Cook, adopting pay schedules and schedules of pay ranges for employees of the City of Lincoln, Nebraska whose classifications are assigned to the pay range prefixed by the letter "N"; and repealing Ordinance No. 18123, passed by the City Council on January 27, 2003, the third time.

COOK Moved to pass the ordinance as read.

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

The ordinance, being numbered **#18217**, is recorded in Ordinance Book 25, Page

ADOPTING PAY SCHEDULES AND SCHEDULES OF PAY RANGES FOR EMPLOYEES WHOSE CLASSIFICATIONS ARE ASSIGNED TO PAY RANGES PREFIXED BY THE LETTER X - CLERK read an ordinance, introduced by Jonathan Cook, adopting pay schedules and schedules of pay ranges for employees of the City of Lincoln, Nebraska whose classifications are assigned to pay ranges prefixed by the letter "X" and repealing Ordinance No. 18122, passed by the City Council on January 27, 2003, the third time.

COOK Moved to pass the ordinance as read.

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

The ordinance, being numbered **#18218**, is recorded in Ordinance Book 25, Page

ADOPTING PAY SCHEDULES AND SCHEDULES OF PAY RANGES FOR EMPLOYEES WHOSE CLASSIFICATIONS ARE ASSIGNED TO PAY RANGES PREFIXED BY THE LETTER B - CLERK read an ordinance, introduced by Jonathan Cook, adopting pay schedules and schedules of pay ranges for employees of the City of Lincoln, Nebraska whose classifications are assigned to the pay range prefixed by the letter "B"; and repealing Ordinance No. 17706, passed by the City Council on August 7, 2000, the third time.

COOK Moved to pass the ordinance as read.

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

The ordinance, being numbered **#18219** is recorded in Ordinance Book 25, Page

ADOPTING PAY SCHEDULES AND SCHEDULES OF PAY RANGES FOR EMPLOYEES WHOSE CLASSIFICATIONS ARE ASSIGNED TO PAY RANGES PREFIXED BY THE LETTER A AND C - CLERK read an ordinance, introduced by Jonathan Cook, adopting pay schedules and schedules of pay ranges for employees of the City of Lincoln, Nebraska whose classifications are assigned to pay ranges prefixed by the letters "A", and "C"; and repealing Ordinance No. 18047, passed by the City Council on August 5, 2002, the third time.

COOK Moved to pass the ordinance as read.

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

The ordinance, being numbered **#18220**, is recorded in Ordinance Book 25, Page

ADOPTING PAY SCHEDULES AND SCHEDULES OF PAY RANGES FOR EMPLOYEES WHOSE CLASSIFICATIONS ARE ASSIGNED TO PAY RANGES PREFIXED BY THE LETTER E - CLERK read an ordinance, introduced by Jonathan Cook, adopting pay schedules and schedules of pay ranges of employees of the City of Lincoln, Nebraska whose classifications are assigned to pay ranges prefixed by the letter "E"; and repealing Ordinance No. 18048, passed by the City Council on August 5, 2002, the third time.

COOK Moved to pass the ordinance as read.

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

The ordinance, being numbered **#18221**, is recorded in Ordinance Book 25, Page

ADOPTING PAY SCHEDULES AND SCHEDULES OF PAY RANGES FOR EMPLOYEES WHOSE CLASSIFICATIONS ARE ASSIGNED TO PAY RANGES PREFIXED BY THE LETTER F - CLERK read an ordinance, introduced by Jonathan Cook, adopting pay schedules and schedules of pay ranges for employees of the City of Lincoln, Nebraska whose classifications are assigned to pay ranges prefixed by the letter "F" and repealing Ordinance No. 18049, passed by the City Council on August 5, 2002, the third time.

COOK Moved to pass the ordinance as read.
Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

The ordinance, being numbered **#18222**, is recorded in Ordinance Book 25, Page

ADOPTING PAY SCHEDULES AND SCHEDULES OF PAY RANGES FOR EMPLOYEES WHOSE CLASSIFICATIONS ARE ASSIGNED TO PAY RANGES PREFIXED BY THE LETTER M - CLERK read an ordinance, introduced by Jonathan Cook, adopting pay schedules and schedules of pay ranges for employees of the City of Lincoln, Nebraska whose classifications are assigned to pay ranges prefixed by the letter "M"; and repealing Ordinance No. 18050, passed by the City Council on August 5, 2002, the third time.

COOK Moved to pass the ordinance as read.
Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

The ordinance, being numbered **#18223**, is recorded in Ordinance Book 25, Page

ADOPTING PAY SCHEDULES AND SCHEDULES OF PAY RANGES FOR EMPLOYEES WHOSE CLASSIFICATIONS ARE ASSIGNED TO PAY RANGES PREFIXED BY THE LETTER P - CLERK read an ordinance, introduced by Jonathan Cook, adopting pay schedules and schedules of pay ranges for employees of the City of Lincoln, Nebraska whose classifications are assigned to pay ranges prefixed by the letter "P" and repealing Ordinance No. 18052, passed by the City Council on August 5, 2002, the third time.

COOK Moved to pass the ordinance as read.
Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

The ordinance, being numbered **#18224**, is recorded in Ordinance Book 25, Page

AMENDING CHAPTER 2.76 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE PERSONNEL SYSTEM BY AMENDING SECTION 2.76.153, COMPENSATION, MERIT PAY PLAN, SHIFT DIFFERENTIAL; SECTION 2.76.200 COMPENSATION PLAN, TEMPORARY ASSIGNMENT IN A HIGHER CLASSIFICATION; SECTION 2.76.380 SICK LEAVE WITH PAY; AND SECTION 2.76.475, GRIEVANCE PROCEDURE, TO REFLECT NEGOTIATED CHANGES AND CHANGES APPLICABLE TO EMPLOYEES NOT REPRESENTED BY A BARGAINING UNIT - DEPUTY CLERK read an ordinance, introduced by Jonathan Cook, amending Chapter 2.76 of the Lincoln Municipal Code relating to the Personnel System by amending Section 2.76.153, Compensation, Merit Pay Plan, Shift Differential; Section 2.76.200 Compensation Plan, Temporary Assignment in a Higher Classification; Section 2.76.308 Sick Leave with Pay; and Section 2.76.475, Grievance procedure, to reflect negotiated changes and changes applicable to employees not represented by a bargaining unit; and repealing Sections 2.76.153, 2.76.200, 2.76.380, and 2.76.475 of the Lincoln Municipal Code as hitherto existing, the third time.

COOK Moved to pass the ordinance as read.
Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

The ordinance, being numbered **#18225**, is recorded in Ordinance Book 25, Page

APPROVING A SUBLEASE AGREEMENT BETWEEN THE CITY AND THE STATE OF NEBRASKA DAS/STATE BUILDING DIVISION ON BEHALF OF VOCATIONAL REHABILITATION SERVICES, DEPARTMENT OF EDUCATION FOR A SUBLEASE OF SPACE AT 1010 N STREET TO PROVIDE JOB TRAINING AND EMPLOYMENT SERVICES UNDER THE WORKFORCE INVESTMENT ACT - CLERK read an ordinance, introduced by Jonathan Cook, accepting and approving a Sublease Agreement between the City of Lincoln and the State of Nebraska DAS/State Building Division on behalf of Vocational Rehabilitation Services, Department of Education for a lease of space at 1010 N. Street, Lincoln, Lancaster County, Nebraska for a term of July 1, 2003 through July 31, 2005 whereby the City of Lincoln is subleasing space to Vocational Rehabilitation Services, Department of Education, at the One Stop Career Center for providing job training and employment services under the Workforce

Investment Act, the third time.
COOK Moved to pass the ordinance as read.
Seconded by Svoboda & carried by the following vote: AYES: Camp,
Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.
The ordinance, being numbered #18226, is recorded in Ordinance Book 25, Page

MISCELLANEOUS BUSINESS

PENDING -

MCROY Moved to extend the Pending List to August 18, 2003.
Seconded by Svoboda & carried by the following vote: AYES: Camp,
Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

UPCOMING RESOLUTIONS -

MCROY Moved to approve the resolutions to have Public Hearing on
August 18, 2003.
Seconded by Svoboda & carried by the following vote: AYES: Camp,
Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

ADJOURNMENT 12:55 A.M.

RECONVENED 1:04 A.M.

ONE AND SIX YEAR STREETS & HIGHWAY PUBLIC HEARING

Chairperson Camp: This public hearing is held each year to fulfill the state's statutory requirements and also serves as the public hearing for the City's Capital Improvement Program. It should be noted that the C.I.P. is a funding document only. The One Year Program lists projects proposed for final design, right-of-way acquisition, construction or study during Fiscal Year 2004. The second through sixth year Fiscal Year 2005 through 2009 Program lists those projects which are in some phase of development or will enter the street planning process. All projects were identified on the public hearing notice advertised in the Lincoln Journal Star on Tuesday, July 15, Saturday, July 26, Wednesday July 30, and August 10, 2003. Also, this notice was placed on the city's website on July 14, 2003 as well as on Channel 5. This public hearing is being held so citizens will have an opportunity to express their views on this proposed program. In addition, citizens have 10 days after the hearing to submit any statements or exhibits to the Public Works Department. Therefore, all statements and exhibits received on or before August 22 will become a part of this public record. These statements should be forwarded to R. Hoskins, City Public Works Department, Engineering Services, 531 Westgate Blvd., Suite 100, Lincoln, NE 68528. This public hearing is divided into three parts. First, City Staff will present information related to the program. The second part of the hearing is for your participation. We're here to receive input from you. Part three of the hearing will be my closing statement. At this time I would like to call upon Public Works and Utilities staff to present information related to this program and I believe Mr. Allan Abbott is representing Public Works.

Allan Abbot, Director of Public Works and Utilities, we have 108 projects. As stated by Chairperson Camp this public hearing is held each year to fulfill the state statutory requirement which ensures an integrated state system of the public roads provided for the general welfare of the state, counties, and municipalities. The program is administered by the State Board of Public Roads Classification and Standards. The proposed One and Six Year Street and Highway Program copies of which in addition to being published are on the back table adjacent to the sign-in sheet and are the projects for FY 2004 through 2009. The expenditures for these years vary from 53 to 92 million dollars per year. These years are financed from existing sources such as wheel tax, state gas tax, federal gas tax, special funding sources such as safety money, demonstration money from the Federal Government, World Transportation Safety District funding and Train Mile tax and Impact Fees. These sources currently total approximately 35 million dollars per year. The remaining funding must come from the

Infrastructure Finance Package discussed in detail tonight. If additional funds are not received a project with a number higher than 32 on the listing of the projects cannot be financed.

Chairperson Camp: Any questions of the Staff by Council? If not we've reached the second part of this public hearing during this segment of the hearing all interested parties who would like to present a statement, comment or ask questions pertaining to this program may do so. In presenting your statement you may do so in one of several ways; your statement may be entirely oral, you may have a prepared written statement which you may read or if you have a written statement and do not wish to read it into the record you may simply give the statement to the City Clerk and it will be included as part of the official hearing record. Because a record of this hearing must be kept, it is requested that when you come forward to comment you sign the sign-up sheet then state your name and address and please spell your last name. Now, anyone interested in making a statement on this program may do so.

Danny Walker, 427 E Street, stated that he did research of the age of the streets and was told that the city's records only go back 20 years. He would like to know how it is decided which streets get repaired?

Mr. Abbott stated he did not know how far back the records go. He said they do not have a good system of records. This is one of the things that will be part of the package.

Glen Cekal, 120 C Street, verified what Danny Walker stated in reference to the records only going back 20 years.

Mike Morosin, 2055 S Street, stated he was offered \$57,000 for his house for the right-of-way acquisition to get his land for the Antelope Valley project. He felt this was not a fair market value offer for the size of his property.

Roger Simmons, 2970 South Street, Secretary of Star City Optimist Youth Foundation, asked when will the Capitol Parkway West & Homestead Expressway interchange project be done so they can continue with the Optimist Youth Sports Complex?

Mr. Abbott answered that this project is a state project which is scheduled to be done within the year. The state will need to be contacted for an exact answer. The city pays 20% of the costs of this project.

Mr. Simmons stated he is on the board of directors of the Simmons-Salttillo Cemetery which is approximately 30th and Rokeby Road. He just wants the city to be aware that this graveyard is there so the city doesn't disturb it.

Mr. Abbott said that he found out that completion of the Homestead Expressway is scheduled for August of next year.

Bob Valentine, 2660 Park Avenue, suggested using carbon dating to determine the age of the streets.

Harlan Layton, 740 Skyway Road, feels that Warlick should be closed north of Old Cheney.

ADJOURNMENT 1:27 A.M.

RECONVENED 1:27 A.M.

**2003 -2004 MAYOR'S RECOMMENDED ANNUAL OPERATING BUDGET
& CAPITAL IMPROVEMENT PROGRAM FY 2003/04 - 2008/09**

City Clerk: As part of the Mayor's proposed budget, the budget also proposes to take the following action allowed by LB 989 as passed by the 1998 Nebraska State Legislature.

1. The Mayor's recommended Budget anticipates the use of allowable growth in the tax base above the 2.5% already provided by LB 989 for improvements to real property as a result of new construction, additions to existing buildings, any improvements to real property which increase the value of such property, and any increase in valuation due to annexation, and any personal property valuation over the prior year. This increase is estimated at 4.36% pending certification of final valuations from the County Assessor's office. It is the city's intention to utilize the final percentage increase in growth, as provided by the certified final valuations, to increase the restricted funds base and to utilize various other lid exemptions provided in LB 989.

2. The city intends to carryover all unused restricted fund authority from prior and current fiscal years as well as any unused restricted fund authority from the 2002-03 budget to future fiscal years. This unused restricted fund authority is estimated at up to \$20,000,000 but depends upon final completion of lid documents to be filed with the State Auditor's Office. It is the city's intention to carryover all unused restricted funds authority as determined by final completion of the forms.

Annette McRoy, Council Member, entered into the record a letter from Jeff Schwebke of the Arnold Heights Neighborhood Association in support of StarTran's booster route for Arnold Heights/Highlands area that will eventually hookup with the North 27th Street existing route.

Mike Stroup, 6921 Orchard, came forward in support of adding Police Officers to include Resource Officers in the Public Schools.

Bob Valentine, 2660 Park Avenue, stated that the notion that higher taxes will promote economic development is not supported by any research read. He feels that new infrastructure is not necessary for the growth of the city as he compared the growth of other countries that do not have new infrastructure. The budget is putting the burden on people while corporations only pay less than 6% to State coffers. On #8 there's no credible evidence that building industrial sites and spec buildings will attract industry. On #9 he feels there's a huge gap between what public sector workers, over \$18.00/hour, and people in the private sector, \$14.00 are paid. On #10 he feels that globalization and taxes that exceed what people can pay will be bad for the City of Lincoln.

Glen Cekal, 120 C Street, feels the neighborhoods need quality control such as safety, health & welfare issues.

Carol Brown, 2201 Elba Circle, Board member of the Lincoln Neighborhood Alliance, wants the million dollars designated for sidewalk repair be actually used for sidewalk repair. She questioned the \$250,000 for administration. It is suggested that repairs be contracted out. She would rather see the police officers back on the streets where they are really needed and not be used as School Resource Officers. In her opinion the school system has a wide range of people that serve the positions they are using these officers for such as social workers, school psychologists, and parents.

Mr. Abbott explained that it will take \$250,000 a year to pay the salaries of the people who run the sidewalk program.

Mr. Cook stated that as things stand today you will charge the sidewalk budget for the project, but there may still be additional overhead of that \$250,000 that will not be charged because that may be

inspections of projects unrelated to that million dollars. So a quarter of a million of the million may not be charged against that fund; that in fact it may be \$100,000.

Mr. Abbott said it could be depending on how the program is put together.

Barbara Bauer, 2321 Devonshire Drive, suggested that the \$900,000 allocated for new trails this year be used to build a combination of water playground, tennis, volleyball, and basketball courts throughout the city. She also suggested that the city stop acquiring new trails until enough money is raised and placed in a trust fund or endowment fund which would allow the city to maintain present and future trails without additional tax funds which would leave a lot of money available for other things for our teens and our children. She asked where the money is being set aside in the C.I.P. for the replacement of Kuklin Pool when it's removed for Antelope Valley.

Mr. Abbott stated that Kuklin Pool is not a part of the Antelope Valley project, but it is going to be relocated.

Steve Hubka, Budget Officer, stated in the Parks Department Capital Improvement Program Project 9, which is Kuklin Pool replacement, begins funding in 2004, 2005 and continues through 2006. The location has not been identified yet.

Craig Groat, 4935 Huntington Avenue, read from the Lincoln City Charter Article VIII, Section 19, the city shall be responsible for repairing & replacing sidewalks on public streets and the cost shall be paid from the City's General Fund. He stated it is mandatory to repair these sidewalks. He stated there needs to be a higher standard of concrete & finishing work for the sidewalks.

Jim Johnson, 1201 Berkshire Court #36, came forward and stated that he was actually speaking for Larry Zink, President of United Place,

UBCO, and board member of LNA, who had to leave earlier and is in support of the increase of funding for rehabilitation of sidewalks. Mr. Johnson stated he agreed with Mr. Zink's comments.

Mike Morosin, 2055 S Street, suggested that enough money be allocated in next year's budget to properly address the relocation issues of the property that will be acquired down the road.

Danny Walker, 427 E Street, stated he thinks that Resource Officers are needed in the schools. He is against putting a trail in four blocks from an existing trail at the 4th Street Corridor which is the abandoned Union Pacific tracks. He does not think that tobacco funds should be used for a pooper scooper person on the bike trails.

ADJOURNMENT 2:23 A.M.

SVOBODA Moved to adjourn the City Council meeting of August 11, 2003.
 Seconded by Newman & carried by the following vote: AYES: Camp,
 Friendt, McRoy, Newman, Svoboda, Werner; NAYS: Cook.
 So ordered.

Joan E. Ross, City Clerk

Judy Roscoe, Senior Office Assistant